



DNOTE  
**State of Wisconsin**  
**1999 - 2000 LEGISLATURE**

LRB-3247/45 P6  
JTK:wlj:hmh

wanted fairly

TODAY (Th. 9/23)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WPO: insert line numbers

*(regenerate)*  
**AN ACT** *to repeal* 108.04 (7) (i), 108.05 (1) (h) and (i), 108.18 (2) (b), 108.20 (5) to (9) and 108.22 (1) (a) 2. to 4.; *to renumber and amend* 108.22 (1) (a) 5.; *to amend* 20.445 (1) (gf), 20.445 (1) (n), 20.445 (1) (nb), 108.02 (4), 108.02 (12) (a), 108.02 (12) (b) (intro.), 108.04 (1) (b) 2., 108.04 (2) (a) 1., 108.04 (2) (a) 2., 108.04 (5), 108.04 (6), 108.04 (7) (b), 108.04 (7) (h), 108.04 (13) (d), 108.05 (1) (j) (intro.), 108.05 (3) (a), 108.09 (2) (bm), 108.09 (4s), 108.15 (3) (e), 108.151 (1), 108.16 (6m) (e), 108.18 (2) (c), 108.18 (9) (figure) Schedule C, line 1, 108.18 (9) (figure) Schedule D, line 1, 108.19 (1e) (a), 108.20 (3), 108.205 (2), 108.22 (1) (a) 1., 108.22 (1) (b), 108.22 (1) (c) and 108.22 (8) (c) 1. a. and b.; and *to create* 108.02 (4) (b), 108.02 (10g), 108.02 (12) (bm), 108.02 (15s), 108.02 (17m), 108.04 (1) (c), 108.04 (2) (a) 3., 108.04 (7) (cm), 108.04 (7) (s), 108.04 (11) (cm), 108.05 (1) (k) and (L), 108.05 (3) (c), 108.06 (2) (cm), 108.095, 108.161 (3e) and 108.22 (1) (ac) of the statutes; **relating to:** various changes in the unemployment insurance

law, granting rule-making authority, making appropriations and providing penalties.

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***Analysis by the Legislative Reference Bureau***

This bill makes various changes in the unemployment insurance law. Significant provisions include:

**BENEFIT RATE CHANGES**

Currently, weekly unemployment compensation benefit rates for total unemployment range from \$44 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,100 during at least one quarter of the employee's base period (period preceding a claim during which benefit rights accrue) to \$297 for an employee who earns wages (or certain other amounts treated as wages) of at least \$7,425 during any such quarter. This bill adjusts weekly benefit rates for weeks of unemployment beginning on or after April 2, 2000, and before October 1, 2000, to rates ranging from \$45 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,125 during at least one quarter of the employee's base period to \$305 for an employee who earns wages (or certain other amounts treated as wages) of at least \$7,625 during any such quarter; and beginning on or after October 1, 2000, to rates ranging from \$46 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,150 during at least one quarter of the employee's base period to \$313 for an employee who earns wages (or certain other amounts treated as wages) of at least \$7,825 during any such quarter.

**OTHER BENEFIT CHANGES**

***Partial unemployment***

Currently, if a claimant earns wages in a given week, the first \$30 of the wages are disregarded and the claimant's weekly benefit payment is reduced by 67% of the remaining amount of wages earned, but no claimant is eligible to receive benefits for any week if the benefits would be less than \$5 and any wages that the claimant would have earned in any week for work performed for his or her employer had the claimant accepted available work from that employer are treated as wages earned for that week. Any amount that a claimant earns for services performed as a volunteer fire fighter or volunteer emergency medical technician in any week does not reduce the claimant's weekly benefit payment for that week. With certain exceptions, if a claimant works at least 35 hours in any given week for the employer that provided at least 80% of the wages or certain other payments that the claimant received during his or her base period (qualifying work period during which benefit rights accrue), the claimant is ineligible to receive any benefits for that week.

This bill provides, in addition, that a claimant is ineligible to receive any benefits for a week in which the claimant works a total of 40 or more hours in employment covered by the unemployment insurance law with one or more employers covered by that law.

***Search for work***

Currently, in order to receive benefits for a week in which a claimant earns no wages, a claimant must seek suitable work during that week, unless otherwise permitted by DWD by rule. This bill provides that, during the 104-week period beginning on the day the law resulting from the bill takes effect, in order to receive benefits for a week in which a claimant earns no wages, the claimant must conduct a reasonable search for suitable work during that week, unless otherwise permitted by DWD by rule. Under the bill, a reasonable search must include two actions each week that constitute a reasonable search as prescribed by DWD by rule.

***Benefits payable during voluntary leaves of absence***

Currently, an employee is ineligible to receive benefits while the employee is on a voluntary leave of absence granted for a definite period, until the period ends or until the employee returns to work, whichever occurs first. This bill provides that if an employee is granted a leave of absence for any portion of a week, the employee's eligibility for benefits for that portion of a week shall be reduced by the amount of wages that the employee could have earned had the leave not been granted, by treating the wages that the employee would have earned for work the employee would have performed during the leave as wages actually earned and applying the same method for computing benefits that is used to determine the benefits payable to employees who are partially unemployed. The bill provides that DWD shall estimate the wages that an employee would have earned for any partial week if it is not possible to compute the exact amount of wages that the employee would have earned for that partial week.

***Possession or use of controlled substances***

Currently, if an employee is discharged for misconduct connected with his or her work (interpreted by the courts to include only misconduct that evinces wilful or wanton disregard of the employer's interests or carelessness or negligence in the performance of duties to such degree or recurrence as to manifest culpability or wrongful intent or exhibit such behavior as to endanger the physical safety of persons on the work site), the employee is ineligible to receive benefits until seven weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages after the week in which the discharge occurs equal to at least 14 times the employee's weekly benefit rate in employment covered by the unemployment compensation law of any state or the federal government. In addition, all wages earned with the employer that discharges the employee are excluded in determining the amount of any future benefits to which the employee is entitled. If an employee is suspended for good cause connected with his or her work, the employee is ineligible to receive benefits until three weeks have elapsed since the end of the week in which the suspension occurs or until the suspension is terminated, whichever occurs first. Under current law, DWD must prescribe, by rule, conditions under which an employee's possession, use or impairment due to use of a controlled substance (dangerous drug) or an employee's violation of a work rule relating to controlled substances testing constitutes misconduct or good cause for suspension for purposes of these provisions.

This bill deletes the requirement for DWD to promulgate this rule, thereby leaving determination of misconduct or good cause for suspension under these circumstances to be determined on a case-by-case basis.

### ***Voluntary termination of employment***

Currently, if an employee voluntarily terminates his or her employment with an employer, the employee is generally ineligible to receive benefits until four weeks have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employee may terminate his or her employment and receive benefits without requalifying under this provision if the employee terminates his or her employment with good cause attributable to his or her employer. In addition, an employee may voluntarily terminate his or her employment and receive benefits without requalifying under this provision if the employee terminates his or her employment because the employee's employer made employment, compensation, promotion or job assignments contingent upon the employee's consent to sexual contact or sexual intercourse.

This bill eliminates the second exception relating to sexual contact or sexual intercourse, but specifically provides that "good cause" under the first exception includes sexual harassment by an employer or employer's agent of which the employer or agent knew or should have known but failed to take timely and appropriate corrective action.

The bill also creates a new exception which provides that an employee may voluntarily terminate his or her employment and receive benefits without requalifying if the employee terminates his or her employment due to domestic abuse, concerns about his or her personal safety or harassment or the personal safety or harassment of ~~his or her children~~, the employee obtains a restraining order from a court in this state or another jurisdiction relating to domestic abuse, child abuse, harassment or contact with a vulnerable adult and the employee demonstrates that the order has been or is reasonably likely to be violated.

In addition, the bill creates another new exception which provides that an employee may voluntarily terminate his or her work and receive benefits without requalifying if the employee terminates his or her work as the result of a requirement by his or her employer to transfer his or her working hours to a shift occurring at a time that would preclude the employee from providing child care to his or her minor children, provided that the employee remains able to work and available to perform work under the same conditions that applied to the employee's most recent work in employment covered under the unemployment insurance law.

Under the bill, the cost of benefits paid to an employee under the sexual harassment and child care exceptions is generally charged to the employer or employers that employed the employee during his or her base period (recent work period during which benefit rights accrue). The cost of benefits paid to an employee under the abuse, contact and harassment exception is charged to the balancing account of the unemployment reserve fund, which is financed from the contributions

Members  
of the  
employee's  
household

child  
or

prior  
to  
terminating  
his or her  
employment

(taxes) of all employers that are subject to a requirement to pay contributions, unless the employee's employer or employers do not pay contributions, in which case the cost of benefits is generally chargeable to the employee's employer or employers.

### ***Employee status***

Currently, in order to be eligible to claim benefits, an individual must, in addition to other requirements, be an "employee" as defined in the unemployment insurance law. Generally, an "employee" is an individual who performs services for an employer in employment covered under the unemployment insurance law, whether or not the individual is directly paid by the employer. However, an individual is not an "employee" if the individual performs services as an independent contractor. Except in the case of a logger or trucker performing services for an employer other than a governmental or nonprofit employer, to be considered an independent contractor, an individual must hold or have applied for an employer identification number with the federal internal revenue service or must have filed business or self-employment income tax returns with the federal internal revenue service in the previous year, and must meet at least six of eight other conditions concerning the individual's relationship to or direction or control over his or her business or the services that he or she performs. This bill provides instead, that during the four-year period following the day the bill becomes law, an independent contractor (other than a logger or trucker as currently provided) must meet at least seven of ten conditions concerning the individual's relationship to or control over his or her business or the services that he or she performs. Two of the conditions that an individual may use to qualify as an independent contractor require the individual to have a federal employer identification number or to have filed business or self-employment income tax returns with the federal internal revenue service based on the services performed as an independent contractor. *The other eight conditions are the same eight conditions that an individual may use to qualify as an independent contractor under current law.*

**Definition of base period**

Currently, an employee's eligibility for and amount of benefits are determined with reference to the employee's "base period", which is the work period consisting of the first four of the five most recently completed quarters at the time that an employee begins a "benefit year" (period during which benefits are payable). This bill provides that, if an employee does not qualify to receive any benefits using the current definition of "base period", the employee's base period shall be the four most recently completed quarters at the time that an employee begins a benefit year. Under the bill, an employee whose benefits are computed using the alternate base period may not reuse any wages for a subsequent benefit claim based on the current definition of "base period", except for payment of Wisconsin supplemental or federal extended benefits (these benefits are paid during periods of high unemployment).

## **TAX CHANGES**

### ***Solvency rate adjustment***

Currently, all employers that engage employees in work that is covered under the unemployment insurance law, other than governmental and nonprofit employers that elect to pay directly for the cost of benefits, must pay contributions (taxes) to finance unemployment insurance benefits. The total contributions of an employer

(X) are the sum of the employer's contribution rate and the employer's solvency rate, each of which vary with the employment stability of the employer and the solvency of the unemployment reserve fund, from which benefits are paid. An employer's contributions payable as a result of its contribution rate are credited to the employer's account, while an employer's contributions payable as a result of its solvency rate are credited to the fund's balancing account, which is used to fund benefits not payable from any employer's account. This bill decreases the solvency rate payable by employers having a taxable annual payroll for unemployment insurance purposes of less than \$500,000 when the unemployment insurance fund has a balance of at least \$900,000,000 ~~to~~ <sup>from</sup> 0.02% of an employer's payroll to 0.00% of an employer's payroll.

***Special assessments payable by certain new employers***

Currently, if a new employer is required to pay contributions (taxes) to the unemployment reserve fund and the employer's account is overdrawn as of January 31 or June 30 following any of the first three calendar years that the employer is subject to a contribution requirement because the total benefits charged to the account exceed the total contributions credited to the account as of one of those dates, the employer must pay a special assessment to the unemployment reserve fund in the amount of 1.3% of the employer's annual taxable payroll for unemployment insurance purposes for the calendar year preceding the year in which the account is overdrawn. This bill repeals the requirement to pay this assessment.

***Special assessments for information technology systems***

Currently, each employer that is subject to a contribution requirement must pay an annual special assessment for each year prior to 2000 in an amount that may not exceed 0.01% of the employer's annual taxable payroll for unemployment insurance purposes for the purpose of financing the design or development of unemployment insurance information technology systems. The department of workforce development (DWD) must reduce the solvency rate that an employer must pay in each year prior to 2000 by the special assessment rate applicable to that employer for that year. (The solvency rate is the portion of an employer's contribution rate that is used to maintain the solvency of the unemployment reserve fund.) This bill makes the special assessment requirement and solvency rate offset applicable to calendar years 2000 and 2001.

**OTHER CHANGES**

***Quarterly wage report format***

Currently, each employer that is subject to the unemployment insurance law must file with DWD a quarterly report of the wages paid to each of its employees and certain other information. Employers of 250 or more employees must file the report using a medium approved by DWD. If an employer is delinquent in filing a report, the employer is subject to a tardy filing fee of \$15 to \$115, depending on the number of its employees. This bill applies this reporting requirement to all employers of 100 or more employees. The bill requires DWD to approve one or more electronic media for use in complying with the requirement, and requires each employer to report using such media. The bill also applies the electronic reporting requirement for not

less than four complete quarters after an employer becomes subject to the requirement. In addition, the bill changes the amounts of the tardy filing fees from not less than \$25 to not more than \$75, and permits DWD to assess a penalty against any employer that is subject to an electronic reporting requirement and that fails to report electronically in the amount of \$10 for each employee whose information is not reported electronically.

#### ***Use of interest and penalty revenues***

Currently, DWD collects interest on late payments required to be made to DWD by employers and various penalties for late payments and certain other infractions under the unemployment insurance law. The revenues from interest and penalties are used to finance administration of the unemployment insurance and other employment security programs, including employment security building construction costs and operation of public employment offices. This bill discontinues use of these interest and penalty revenues for employment security building construction and administrative purposes. Under the bill, the only authorized purpose for which these revenues may be used is unemployment insurance administration.

#### ***Fraudulent claims for benefits***

Currently, if a person makes a false statement or representation in order to obtain benefits that are payable to another person, DWD may file a civil lawsuit to recover the amount of the benefits improperly paid. In addition, the person making the fraudulent statement or representation is guilty of a misdemeanor and is subject to a fine of not less than \$100 nor more than \$500 or imprisonment for not more than 90 days, or both, for each false statement or misrepresentation.

This bill provides, in addition, that DWD may, after an investigation, issue an administrative determination requiring the repayment of any benefits that were payable to a person other than the claimant and that were obtained by means of a false statement or representation and may also require the offender to pay an additional amount equal to not more than 50% of the amount of the benefits obtained. The determination may be appealed.

#### ***Grace period for reimbursements***

Currently, public employers and nonprofit organizations may elect, in lieu of paying contributions to the unemployment reserve fund, to reimburse the fund for any benefit payments made by the fund that are chargeable to these employers. Any reimbursement is due not later than 20 days after DWD mails a bill to an employer for the reimbursement. This bill provides if DWD receives any such reimbursement by the last day of the month in which that 20th day occurs, the employer making the reimbursement is not liable for any interest or penalty.

#### ***Use of federal employment security moneys***

Currently, federal moneys received by this state under the federal Reed Act of 1954 may be used to pay benefits or for employment security administration, including unemployment insurance, the public employment service and related statistical operations. This bill provides, in accordance with federal law, that these

moneys may only be used for the purpose of unemployment insurance administration in federal fiscal years 2000, 2001 and 2002.

***Charging of certain improperly paid benefits***

Currently, when DWD pays benefits to an employee improperly due to a departmental error, the account of the employer is not charged for the benefits. This bill removes conflicting language in current law to clarify that if the employer is subject to a requirement to pay contributions (taxes) to the unemployment reserve fund, the cost of any benefits that are improperly paid to an employee of the employer and that are not recovered from that employee is charged to the balancing account of the unemployment reserve fund. The bill also clarifies that if benefits are erroneously paid to an employee due to the fault of an employer, the cost of the benefits is charged to the employer's account rather than the balancing account regardless of whether the benefits may have been paid as a result of a departmental error.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 20.445 (1) (gf) of the statutes is amended to read:

20.445 (1) (gf) ~~Employment security~~ Unemployment insurance administration.

From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and (13) (c) and 108.22, the amounts in the schedule for the administration of ~~employment service programs and~~ unemployment insurance programs under ch. 108 ~~and s. 106.09~~ and federal or state unemployment insurance programs authorized by the governor under s. 16.54; and for payments to satisfy any federal audit exception concerning a payment from the unemployment reserve fund or any federal aid disallowance involving the unemployment insurance program.

**SECTION 2.** 20.445 (1) (n) of the statutes is amended to read:

20.445 (1) (n) *Unemployment administration; federal moneys.* All federal moneys received for the employment service under s. 106.09 (4) to (6), for the administration of unemployment insurance or for the performance of the



department's functions under ch. 108, and for its other efforts to regularize employment, to pay the compensation and expenses of appeal tribunals and of councils and to pay allowances stimulating education during unemployment, to be used for such purposes except as provided in s. 108.161 (3e), and to transfer to par. (nb) an amount determined by the treasurer of the unemployment reserve fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the amounts in the schedule under par. (nb).

**SECTION 3.** 20.445 (1) (nb) of the statutes is amended to read:

20.445 (1) (nb) *Unemployment information technology systems; federal moneys.*

As a continuing appropriation, the amounts in the schedule, as authorized by the governor under s. 16.54, for the purpose specified in s. 108.19 (1e). All moneys transferred from par. (n) for this purpose shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the treasurer of the unemployment reserve fund shall transfer any unencumbered balance in this appropriation account that is not needed or available to carry out the purpose of this appropriation to the appropriation account under par. (n). No moneys may be expended from this appropriation unless the treasurer of the unemployment reserve fund determines that such expenditure is currently needed for the purpose specified in s. 108.19 (1e). ~~No moneys may be encumbered from this appropriation account after the beginning of the 3rd 12-month period beginning after May 21, 1998.~~

**SECTION 4.** 108.02 (4) of the statutes is amended to read:

108.02 (4) BASE PERIOD. ~~An employee's "base~~ "Base period" means the period that is used to compute an employee's benefit rights under s. 108.06 consisting of the;

(a) The first 4 of the 5 most recently completed quarters preceding the employee's benefit year, which is used to compute his or her benefit rights for that year under s. 108.06; or

**SECTION 5.** 108.02 (4) (b) of the statutes is created to read:

108.02 (4) (b) If an employee does not qualify to receive any benefits using the period described in par. (a), the period consisting of the 4 most recently completed quarters preceding the employee's benefit year.

**SECTION 6.** 108.02 (10g) of the statutes is created to read:

108.02 (10g) DOMESTIC ABUSE. "Domestic abuse" means physical abuse, including a violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse <sup>between</sup> ~~by~~ <sup>against another family or household</sup> ~~an~~ <sup>member</sup> ~~adult family or adult household member~~ <sup>or</sup> ~~an~~ <sup>or</sup> ~~adult person~~ <sup>or</sup> ~~against his or her spouse or former spouse~~ <sup>or</sup> ~~by an adult person~~ <sup>or</sup> ~~against an adult person with whom the person has a child in common.~~

**SECTION 7.** 108.02 (12) (a) of the statutes is amended to read:

108.02 (12) (a) "Employee" means any individual who is or has been performing services for an employing unit, in an employment, whether or not the individual is paid directly by such employing unit; except as provided in par. (b), (bm), (c) or (d).

**SECTION 8.** 108.02 (12) (b) (intro.) of the statutes is amended to read:

108.02 (12) (b) (intro.) Paragraph During the period prior to the effective date of this paragraph .... [revisor inserts date], and the period after the last day of the 3rd year beginning after the effective date of this paragraph, .... [revisor inserts date], par. (a) does not apply to an individual performing services for an employing unit other than a government unit or nonprofit organization in a capacity other than as a logger or trucker, if the employing unit satisfies the department that:

**SECTION 9.** 108.02 (12) (bm) of the statutes is created to read:

108.02 (12) (bm) During the period beginning on the effective date of this paragraph .... [revisor inserts date], and ending on the last day of the 3rd year beginning after that date, par. (a) does not apply to an individual performing services for an employing unit in a capacity other than as a contract operator with a carrier or as a skidding operator or piece cutter with a forest products manufacturer or a logging contractor, if the employing unit satisfies the department that the individual meets 7 or more of the following conditions by contract and in fact:

- ④ 1. The individual ~~has a federal employer identification number.~~ *holds or has applied for an* *with the federal internal revenue service*
- ⑤ 2. The individual has filed business or self-employment income tax returns with the federal internal revenue service based on such services ~~performed for that~~ *in the previous year* ~~employing unit or other employing units.~~
- ⑥ 3. The individual maintains a separate business with his or her own office, equipment ~~and materials.~~ *and other facilities*
- ⑦ 4. The individual ~~controls the means and methods of performing such services~~ *operates under contracts to perform specific services for specific amounts of money* ~~and makes such services available to other potential clients.~~ *and under which the individual*
5. The individual incurs the main expenses related to the services that he or she performs ~~for the employing unit.~~ *under contract*
6. The individual is responsible ~~to the employing unit~~ *for the satisfactory completion of the services that he or she contracts to perform and is liable for a failure to satisfactorily complete the services.*
- ⑧ 7. The individual receives compensation for ~~specific services~~ *performed under a contract on a commission or per-job or competitive-bid basis and not on any other basis* ~~and sets the rate of compensation with or without negotiation with the employing unit.~~
8. The individual may realize a profit or suffer a loss under contracts to perform such services.

④ 9. The individual has recurring business liabilities or obligations that would continue beyond any specific relationship with a single employing unit.

10. The success or failure of the individual's business depends on the relationship of business receipts to expenditures or her relationship with a single employing unit.

**SECTION 10.** 108.02 (15s) of the statutes is created to read:

**108.02 (15s) FAMILY MEMBER.** "Family member" means a spouse, parent, child or person related by consanguinity to another person.

**SECTION 11.** 108.02 (17m) of the statutes is created to read:

**108.02 (17m) HOUSEHOLD MEMBER.** "Household member" means a person who is currently or formerly residing in a place of abode with another person.

**SECTION 12.** 108.04 (1) (b) 2. of the statutes is amended to read:

108.04 (1) (b) 2. While the employee is on a voluntary leave of absence granted for a definite period, until the period ends or until the employee returns to work, whichever occurs first, except as provided in par. (c); or

**SECTION 13.** 108.04 (1) (c) of the statutes is created to read:

108.04 (1) (c) If a leave of absence is granted to an employee for a portion of a week, the employee's eligibility for benefits for that partial week shall be reduced by the amount of wages that the employee could have earned in his or her work had the leave not been granted. For purposes of this paragraph, the department shall treat the amount the employee would have earned as wages in that work for that week as wages earned by the employee and shall apply the method specified in s. 108.05 (3) (a) to compute the benefits payable to the employee. The department shall estimate the wages that an employee would have earned for a partial week if it is not possible to compute the exact amount of wages that the employee would have earned for that partial week.

**SECTION 14.** 108.04 (2) (a) 1. of the statutes is amended to read:

108.04 (2) (a) 1. The individual is able to work and available for work ~~and is seeking suitable work~~ during that week; ~~and~~

**SECTION 15.** 108.04 (2) (a) 2. of the statutes is amended to read:

108.04 (2) (a) 2. As of that week, the individual has registered for work; ~~and~~

**SECTION 16.** 108.04 (2) (a) 3. of the statutes is created to read:

108.04 (2) (a) 3. The individual is seeking suitable work during that week or, during the 104-week period beginning on the effective date of this subdivision .... [revisor inserts date], the individual conducts a reasonable search for suitable work during that week. A reasonable search for suitable work under this subdivision must include 2 actions that constitute a reasonable search as prescribed by the department by rule.

**SECTION 17.** 108.04 (5) of the statutes is amended to read:

108.04 (5) DISCHARGE FOR MISCONDUCT. An employe whose work is terminated by an employing unit for misconduct connected with the employe's work is ineligible to receive benefits until 7 weeks have elapsed since the end of the week in which the discharge occurs and the employe earns wages after the week in which the discharge occurs equal to at least 14 times the employe's weekly benefit rate under s. 108.05 (1) in employment or other work covered by the unemployment insurance law of any state or the federal government. For purposes of requalification, the employe's weekly benefit rate shall be that rate which would have been paid had the discharge not occurred. The wages paid to an employe by an employer which terminates employment of the employe for misconduct connected with the employe's employment shall be excluded from the employe's base period wages under s. 108.06 (1) for purposes of benefit entitlement. ~~The department shall, by rule, prescribe the~~

~~conditions under which an employee's possession, use or impairment due to use of a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), or an employee's violation of a work rule relating to controlled substances testing constitutes misconduct.~~ This subsection does not preclude an employee who has employment with an employer other than the employer which terminated the employee for misconduct from establishing a benefit year using the base period wages excluded under this subsection if the employee qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall charge to the fund's balancing account any benefits otherwise chargeable to the account of an employer that is subject to the contribution requirements under ss. 108.17 and 108.18 from which base period wages are excluded under this subsection.

**SECTION 18.** 108.04 (6) of the statutes is amended to read:

108.04 (6) **DISCIPLINARY SUSPENSION.** An employee whose work is suspended by an employing unit for good cause connected with the employee's work is ineligible to receive benefits until 3 weeks have elapsed since the end of the week in which the suspension occurs or until the suspension is terminated, whichever occurs first. The ~~department shall, by rule, prescribe the conditions under which an employee's possession, use or impairment due to use of a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), or an employee's violation of a work rule relating to controlled substances testing constitutes good cause for suspension.~~ This subsection does not preclude an employee from establishing a benefit year during a period in which the employee is ineligible to receive benefits under this subsection if the employee qualifies to establish a benefit year under s. 108.06 (2) (a).

**SECTION 19.** 108.04 (7) (b) of the statutes is amended to read:

108.04 (7) (b) Paragraph (a) does not apply if the department determines that the employee terminated his or her work with good cause attributable to the employing unit. In this paragraph, "good cause" includes, but is not limited to, a request, suggestion or directive by the employing unit that the employee violate federal or Wisconsin law, or sexual harassment, as defined in s. 111.32 (13), by an employer or employer's agent, of which the employer or agent knew or should have known but failed to take timely and appropriate corrective action.

**SECTION 20.** 108.04 (7) (cm) of the statutes is created to read:

108.04 (7) (cm) Paragraph (a) does not apply if the department determines that the employee terminated his or her work as the result of a requirement by his or her employing unit to transfer his or her working hours to a shift occurring at a time that would preclude the employee from providing child care for his or her minor children, provided that the employee remains able to work and available for work under the same conditions that applied to the employee's most recent period of employment.

**SECTION 21.** 108.04 (7) (h) of the statutes is amended to read:

108.04 (7) (h) The department shall charge to the fund's balancing account benefits paid to an employee that are otherwise chargeable to the account of an employer that is subject to the contribution requirements of ss. 108.17 and 108.18 if the employee voluntarily terminates employment with that employer and par. (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~ (q) or (s) applies.

**SECTION 22.** 108.04 (7) (i) of the statutes is repealed.

**SECTION 23.** 108.04 (7) (s) of the statutes is created to read:

108.04 (7) (s) 1. Paragraph (a) does not apply if the employee <sup>terminates</sup> ~~terminates~~ his or her work due to domestic abuse, concerns about personal safety or harassment <sup>or</sup> ~~or~~ <sup>Family members</sup> ~~the employee~~ <sup>who reside with the employee or the safety or harassment of other household members;</sup> ~~concerns about the personal safety or harassment of his or her children, the employee~~

(X) (9) b. Prior to termination of his or her employment, obtains a restraining order under s. 813.12, 813.123, 813.125 or 813.127, or has a foreign protection order recognized under s. 813.128; and the employee demonstrates to the department that the order has been or is reasonably likely to be violated.

2. In determining whether a restraining order is reasonably likely to be violated under subd. 1., the department shall consider evidence, regardless of its age, including court, criminal, medical, law enforcement, child protective services, social services, psychological, school and similar records, and statements from persons other than the employee who have knowledge of circumstances related to the potential for violation of the order.

SECTION 24. 108.04 (11) (cm) of the statutes is created to read:

108.04 (11) (cm) Any person who makes a false statement or representation in order to obtain benefits that are payable to another person may, by a determination or decision issued under s. 108.095, be required to repay the amount of the benefits obtained and be required to forfeit an additional amount equal to not more than 50% of the amount of benefits obtained.

SECTION 25. 108.04 (13) (d) of the statutes is amended to read:

(X) 108.04 (13) (d) <sup>1.</sup> If the department finds that any benefits charged to an employer's account have been erroneously paid to an employee without fault by the employer, the department shall notify the employee and the employer of the erroneous payment. <sup>2.</sup> If recovery of an overpayment ~~erroneous payment~~ is permitted under s.

108.22 (8) (c) and benefits are currently payable to the employee from the employer's account, the department may correct the <sup>overpayment</sup> error by adjusting the benefits accordingly.

(X) (P) 3. To correct any <sup>overpayment</sup> erroneous payment, not so adjusted, whenever recovery of an overpayment is permitted under s. 108.22 (8) (c) that was charged to the account of an employer that is subject to the contribution requirements of ss. 108.17 and 108.18,



the department shall <sup>a. If recovery of the overpayment is permitted under s. 108.22 (8)(c),</sup> restore the proper amount to the employer's account and charge that amount to the fund's balancing account, and shall thereafter reimburse the balancing account by crediting to it benefits which would otherwise be payable to, or cash recovered from, the employee, ~~unless the employer is a government unit or nonprofit organization which has elected reimbursement financing.~~ <sup>or, if 4.</sup> To correct any ~~erroneous payment~~ <sup>overpayment</sup> not so adjusted from the account of an employer which is a government unit or a nonprofit organization and which has elected reimbursement financing, ~~whenever recovery of an overpayment is permitted under s. 108.22 (8)(c),~~ <sup>a. If</sup> the department shall ~~if recovery of the erroneous payment~~ <sup>overpayment</sup> is permitted under s. 108.22 (8)(c), credit to the account benefits which would otherwise be payable to, or cash received from, the employee. <sup>or b. If</sup> ~~if recovery of the erroneous payment~~ <sup>overpayment</sup> is not permitted under s. 108.22 (8)(c), restore the proper amount to the employer's account and charge that amount in accordance with s. 108.07 (5).

SECTION 26. 108.05 (1) (h) and (i) of the statutes are repealed.

SECTION 27. 108.05 (1) (j) (intro.) of the statutes is amended to read:

108.05 (1) (j) (intro.) Each eligible employee shall be paid benefits for each week of total unemployment which commences on or after January 3, 1999, and before April 2, 2000, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's base period wages which were paid during that quarter of the employee's base period in which the employee was paid the highest total wages, rounded down to the nearest whole dollar, except that if that amount is less than the minimum amount shown in the following schedule, no benefits are payable to the employee and if that amount is more than the maximum amount shown in the following schedule, the employee's weekly benefit rate shall be the maximum amount shown in the following schedule and except that

if the employee's benefits are exhausted during any week under s. 108.06 (1), the employee shall be paid the remaining amount of benefits payable to the employee in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (j) following]

**SECTION 28.** 108.05 (1) (k) and (L) of the statutes are created to read:

108.05 (1) (k) Each eligible employee shall be paid benefits for each week of total unemployment which commences on or after April 2, 2000, and before October 1, 2000, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's base period wages which were paid during that quarter of the employee's base period in which the employee was paid the highest total wages, rounded down to the nearest whole dollar, except that if that amount is less than the minimum amount shown in the following schedule, no benefits are payable to the employee and if that amount is more than the maximum amount shown in the following schedule, the employee's weekly benefit rate shall be the maximum amount shown in the following schedule and except that if the employee's benefits are exhausted during any week under s. 108.06 (1), the employee shall be paid the remaining amount of benefits payable to the employee in

lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (k) following]

**Figure 108.05 (1) (k):**

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1. ....	Under \$1,125.00 .....	\$ 0
2. ....	1,125.00 to 1,149.99 .....	45
3. ....	1,150.00 to 1,174.99 .....	46
4. ....	1,175.00 to 1,199.99 .....	47
5. ....	1,200.00 to 1,224.99 .....	48
6. ....	1,225.00 to 1,249.99 .....	49
7. ....	1,250.00 to 1,274.99 .....	50
8. ....	1,275.00 to 1,299.99 .....	51
9. ....	1,300.00 to 1,324.99 .....	52
10. ....	1,325.00 to 1,349.99 .....	53
11. ....	1,350.00 to 1,374.99 .....	54
12. ....	1,375.00 to 1,399.99 .....	55
13. ....	1,400.00 to 1,424.99 .....	56
14. ....	1,425.00 to 1,449.99 .....	57
15. ....	1,450.00 to 1,474.99 .....	58
16. ....	1,475.00 to 1,499.99 .....	59
17. ....	1,500.00 to 1,524.99 .....	60

18. ....	1,525.00	to	1,549.99	.....	61
19. ....	1,550.00	to	1,574.99	.....	62
20. ....	1,575.00	to	1,599.99	.....	63
21. ....	1,600.00	to	1,624.99	.....	64
22. ....	1,625.00	to	1,649.99	.....	65
23. ....	1,650.00	to	1,674.99	.....	66
24. ....	1,675.00	to	1,699.99	.....	67
25. ....	1,700.00	to	1,724.99	.....	68
26. ....	1,725.00	to	1,749.99	.....	69
27. ....	1,750.00	to	1,774.99	.....	70
28. ....	1,775.00	to	1,799.99	.....	71
29. ....	1,800.00	to	1,824.99	.....	72
30. ....	1,825.00	to	1,849.99	.....	73
31. ....	1,850.00	to	1,874.99	.....	74
32. ....	1,875.00	to	1,899.99	.....	75
33. ....	1,900.00	to	1,924.99	.....	76
34. ....	1,925.00	to	1,949.99	.....	77
35. ....	1,950.00	to	1,974.99	.....	78
36. ....	1,975.00	to	1,999.99	.....	79
37. ....	2,000.00	to	2,024.99	.....	80
38. ....	2,025.00	to	2,049.99	.....	81
39. ....	2,050.00	to	2,074.99	.....	82
40. ....	2,075.00	to	2,099.99	.....	83
41. ....	2,100.00	to	2,124.99	.....	84

42. ....	2,125.00	to	2,149.99	.....	85
43. ....	2,150.00	to	2,174.99	.....	86
44. ....	2,175.00	to	2,199.99	.....	87
45. ....	2,200.00	to	2,224.99	.....	88
46. ....	2,225.00	to	2,249.99	.....	89
47. ....	2,250.00	to	2,274.99	.....	90
48. ....	2,275.00	to	2,299.99	.....	91
49. ....	2,300.00	to	2,324.99	.....	92
50. ....	2,325.00	to	2,349.99	.....	93
51. ....	2,350.00	to	2,374.99	.....	94
52. ....	2,375.00	to	2,399.99	.....	95
53. ....	2,400.00	to	2,424.99	.....	96
54. ....	2,425.00	to	2,449.99	.....	97
55. ....	2,450.00	to	2,474.99	.....	98
56. ....	2,475.00	to	2,499.99	.....	99
57. ....	2,500.00	to	2,524.99	.....	100
58. ....	2,525.00	to	2,549.99	.....	101
59. ....	2,550.00	to	2,574.99	.....	102
60. ....	2,575.00	to	2,599.99	.....	103
61. ....	2,600.00	to	2,624.99	.....	104
62. ....	2,625.00	to	2,649.99	.....	105
63. ....	2,650.00	to	2,674.99	.....	106
64. ....	2,675.00	to	2,699.99	.....	107
65. ....	2,700.00	to	2,724.99	.....	108

66. ....	2,725.00	to	2,749.99	.....	109
67. ....	2,750.00	to	2,774.99	.....	110
68. ....	2,775.00	to	2,799.99	.....	111
69. ....	2,800.00	to	2,824.99	.....	112
70. ....	2,825.00	to	2,849.99	.....	113
71. ....	2,850.00	to	2,874.99	.....	114
72. ....	2,875.00	to	2,899.99	.....	115
73. ....	2,900.00	to	2,924.99	.....	116
74. ....	2,925.00	to	2,949.99	.....	117
75. ....	2,950.00	to	2,974.99	.....	118
76. ....	2,975.00	to	2,999.99	.....	119
77. ....	3,000.00	to	3,024.99	.....	120
78. ....	3,025.00	to	3,049.99	.....	121
79. ....	3,050.00	to	3,074.99	.....	122
80. ....	3,075.00	to	3,099.99	.....	123
81. ....	3,100.00	to	3,124.99	.....	124
82. ....	3,125.00	to	3,149.99	.....	125
83. ....	3,150.00	to	3,174.99	.....	126
84. ....	3,175.00	to	3,199.99	.....	127
85. ....	3,200.00	to	3,224.99	.....	128
86. ....	3,225.00	to	3,249.99	.....	129
87. ....	3,250.00	to	3,274.99	.....	130
88. ....	3,275.00	to	3,299.99	.....	131
89. ....	3,300.00	to	3,324.99	.....	132

90. ....	3,325.00	to	3,349.99	.....	133
91. ....	3,350.00	to	3,374.99	.....	134
92. ....	3,375.00	to	3,399.99	.....	135
93. ....	3,400.00	to	3,424.99	.....	136
94. ....	3,425.00	to	3,449.99	.....	137
95. ....	3,450.00	to	3,474.99	.....	138
96. ....	3,475.00	to	3,499.99	.....	139
97. ....	3,500.00	to	3,524.99	.....	140
98. ....	3,525.00	to	3,549.99	.....	141
99. ....	3,550.00	to	3,574.99	.....	142
100. ....	3,575.00	to	3,599.99	.....	143
101. ....	3,600.00	to	3,624.99	.....	144
102. ....	3,625.00	to	3,649.99	.....	145
103. ....	3,650.00	to	3,674.99	.....	146
104. ....	3,675.00	to	3,699.99	.....	147
105. ....	3,700.00	to	3,724.99	.....	148
106. ....	3,725.00	to	3,749.99	.....	149
107. ....	3,750.00	to	3,774.99	.....	150
108. ....	3,775.00	to	3,799.99	.....	151
109. ....	3,800.00	to	3,824.99	.....	152
110. ....	3,825.00	to	3,849.99	.....	153
111. ....	3,850.00	to	3,874.99	.....	154
112. ....	3,875.00	to	3,899.99	.....	155
113. ....	3,900.00	to	3,924.99	.....	156

114. ....	3,925.00	to	3,949.99	.....	157
115. ....	3,950.00	to	3,974.99	.....	158
116. ....	3,975.00	to	3,999.99	.....	159
117. ....	4,000.00	to	4,024.99	.....	160
118. ....	4,025.00	to	4,049.99	.....	161
119. ....	4,050.00	to	4,074.99	.....	162
120. ....	4,075.00	to	4,099.99	.....	163
121. ....	4,100.00	to	4,124.99	.....	164
122. ....	4,125.00	to	4,149.99	.....	165
123. ....	4,150.00	to	4,174.99	.....	166
124. ....	4,175.00	to	4,199.99	.....	167
125. ....	4,200.00	to	4,224.99	.....	168
126. ....	4,225.00	to	4,249.99	.....	169
127. ....	4,250.00	to	4,274.99	.....	170
128. ....	4,275.00	to	4,299.99	.....	171
129. ....	4,300.00	to	4,324.99	.....	172
130. ....	4,325.00	to	4,349.99	.....	173
131. ....	4,350.00	to	4,374.99	.....	174
132. ....	4,375.00	to	4,399.99	.....	175
133. ....	4,400.00	to	4,424.99	.....	176
134. ....	4,425.00	to	4,449.99	.....	177
135. ....	4,450.00	to	4,474.99	.....	178
136. ....	4,475.00	to	4,499.99	.....	179
137. ....	4,500.00	to	4,524.99	.....	180



138.	.....	4,525.00	to	4,549.99	.....	181
139.	.....	4,550.00	to	4,574.99	.....	182
140.	.....	4,575.00	to	4,599.99	.....	183
141.	.....	4,600.00	to	4,624.99	.....	184
142.	.....	4,625.00	to	4,649.99	.....	185
143.	.....	4,650.00	to	4,674.99	.....	186
144.	.....	4,675.00	to	4,699.99	.....	187
145.	.....	4,700.00	to	4,724.99	.....	188
146.	.....	4,725.00	to	4,749.99	.....	189
147.	.....	4,750.00	to	4,774.99	.....	190
148.	.....	4,775.00	to	4,799.99	.....	191
149.	.....	4,800.00	to	4,824.99	.....	192
150.	.....	4,825.00	to	4,849.99	.....	193
151.	.....	4,850.00	to	4,874.99	.....	194
152.	.....	4,875.00	to	4,899.99	.....	195
153.	.....	4,900.00	to	4,924.99	.....	196
154.	.....	4,925.00	to	4,949.99	.....	197
155.	.....	4,950.00	to	4,974.99	.....	198
156.	.....	4,975.00	to	4,999.99	.....	199
157.	.....	5,000.00	to	5,024.99	.....	200
158.	.....	5,025.00	to	5,049.99	.....	201
159.	.....	5,050.00	to	5,074.99	.....	202
160.	.....	5,075.00	to	5,099.99	.....	203
161.	.....	5,100.00	to	5,124.99	.....	204

162. ....	5,125.00	to	5,149.99	.....	205
163. ....	5,150.00	to	5,174.99	.....	206
164. ....	5,175.00	to	5,199.99	.....	207
165. ....	5,200.00	to	5,224.99	.....	208
166. ....	5,225.00	to	5,249.99	.....	209
167. ....	5,250.00	to	5,274.99	.....	210
168. ....	5,275.00	to	5,299.99	.....	211
169. ....	5,300.00	to	5,324.99	.....	212
170. ....	5,325.00	to	5,349.99	.....	213
171. ....	5,350.00	to	5,374.99	.....	214
172. ....	5,375.00	to	5,399.99	.....	215
173. ....	5,400.00	to	5,424.99	.....	216
174. ....	5,425.00	to	5,449.99	.....	217
175. ....	5,450.00	to	5,474.99	.....	218
176. ....	5,475.00	to	5,499.99	.....	219
177. ....	5,500.00	to	5,524.99	.....	220
178. ....	5,525.00	to	5,549.99	.....	221
179. ....	5,550.00	to	5,574.99	.....	222
180. ....	5,575.00	to	5,599.99	.....	223
181. ....	5,600.00	to	5,624.99	.....	224
182. ....	5,625.00	to	5,649.99	.....	225
183. ....	5,650.00	to	5,674.99	.....	226
184. ....	5,675.00	to	5,699.99	.....	227
185. ....	5,700.00	to	5,724.99	.....	228

186. ....	5,725.00	to	5,749.99	.....	229
187. ....	5,750.00	to	5,774.99	.....	230
188. ....	5,775.00	to	5,799.99	.....	231
189. ....	5,800.00	to	5,824.99	.....	232
190. ....	5,825.00	to	5,849.99	.....	233
191. ....	5,850.00	to	5,874.99	.....	234
192. ....	5,875.00	to	5,899.99	.....	235
193. ....	5,900.00	to	5,924.99	.....	236
194. ....	5,925.00	to	5,949.99	.....	237
195. ....	5,950.00	to	5,974.99	.....	238
196. ....	5,975.00	to	5,999.99	.....	239
197. ....	6,000.00	to	6,024.99	.....	240
198. ....	6,025.00	to	6,049.99	.....	241
199. ....	6,050.00	to	6,074.99	.....	242
200. ....	6,075.00	to	6,099.99	.....	243
201. ....	6,100.00	to	6,124.99	.....	244
202. ....	6,125.00	to	6,149.99	.....	245
203. ....	6,150.00	to	6,174.99	.....	246
204. ....	6,175.00	to	6,199.99	.....	247
205. ....	6,200.00	to	6,224.99	.....	248
206. ....	6,225.00	to	6,249.99	.....	249
207. ....	6,250.00	to	6,274.99	.....	250
208. ....	6,275.00	to	6,299.99	.....	251
209. ....	6,300.00	to	6,324.99	.....	252

210. ....	6,325.00	to	6,349.99	.....	253
211. ....	6,350.00	to	6,374.99	.....	254
212. ....	6,375.00	to	6,399.99	.....	255
213. ....	6,400.00	to	6,424.99	.....	256
214. ....	6,425.00	to	6,449.99	.....	257
215. ....	6,450.00	to	6,474.99	.....	258
216. ....	6,475.00	to	6,499.99	.....	259
217. ....	6,500.00	to	6,524.99	.....	260
218. ....	6,525.00	to	6,549.99	.....	261
219. ....	6,550.00	to	6,574.99	.....	262
220. ....	6,575.00	to	6,599.99	.....	263
221. ....	6,600.00	to	6,624.99	.....	264
222. ....	6,625.00	to	6,649.99	.....	265
223. ....	6,650.00	to	6,674.99	.....	266
224. ....	6,675.00	to	6,699.99	.....	267
225. ....	6,700.00	to	6,724.99	.....	268
226. ....	6,725.00	to	6,749.99	.....	269
227. ....	6,750.00	to	6,774.99	.....	270
228. ....	6,775.00	to	6,799.99	.....	271
229. ....	6,800.00	to	6,824.99	.....	272
230. ....	6,825.00	to	6,849.99	.....	273
231. ....	6,850.00	to	6,874.99	.....	274
232. ....	6,875.00	to	6,899.99	.....	275
233. ....	6,900.00	to	6,924.99	.....	276

234. ....	6,925.00	to	6,949.99	.....	277
235. ....	6,950.00	to	6,974.99	.....	278
236. ....	6,975.00	to	6,999.99	.....	279
237. ....	7,000.00	to	7,024.99	.....	280
238. ....	7,025.00	to	7,049.99	.....	281
239. ....	7,050.00	to	7,074.99	.....	282
240. ....	7,075.00	to	7,099.99	.....	283
241. ....	7,100.00	to	7,124.99	.....	284
242. ....	7,125.00	to	7,149.99	.....	285
243. ....	7,150.00	to	7,174.99	.....	286
244. ....	7,175.00	to	7,199.99	.....	287
245. ....	7,200.00	to	7,224.99	.....	288
246. ....	7,225.00	to	7,249.99	.....	289
247. ....	7,250.00	to	7,274.99	.....	290
248. ....	7,275.00	to	7,299.99	.....	291
249. ....	7,300.00	to	7,324.99	.....	292
250. ....	7,325.00	to	7,349.99	.....	293
251. ....	7,350.00	to	7,374.99	.....	294
252. ....	7,375.00	to	7,399.99	.....	295
253. ....	7,400.00	to	7,424.99	.....	296
254. ....	7,425.00	to	7,449.99	.....	297
255. ....	7,450.00	to	7,474.99	.....	298
256. ....	7,475.00	to	7,499.99	.....	299
257. ....	7,500.00	to	7,524.99	.....	300

258. ....	7,525.00	to	7,549.99	.....	301
259. ....	7,550.00	to	7,574.99	.....	302
260. ....	7,575.00	to	7,599.99	.....	303
261. ....	7,600.00	to	7,624.99	.....	304
262. ....	7,625.00		and over	.....	305

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(L) Each eligible employee shall be paid benefits for each week of total unemployment which commences on or after October 1, 2000, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's base period wages which were paid during that quarter of the employee's base period in which the employee was paid the highest total wages, rounded down to the nearest whole dollar, except that if that amount is less than the minimum amount shown in the following schedule, no benefits are payable to the employee and if that amount is more than the maximum amount shown in the following schedule, the employee's weekly benefit rate shall be the maximum amount shown in the following schedule and except that if the employee's benefits are exhausted during any week under s. 108.06 (1), the employee shall be paid the

remaining amount of benefits payable to the employe in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (L) following]

**Figure 108.05 (1) (L):**

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1. ....	Under \$1,150.00 .....	\$ 0
2. ....	1,150.00 to 1,174.99 .....	46
3. ....	1,175.00 to 1,199.99 .....	47
4. ....	1,200.00 to 1,224.99 .....	48
5. ....	1,225.00 to 1,249.99 .....	49
6. ....	1,250.00 to 1,274.99 .....	50
7. ....	1,275.00 to 1,299.99 .....	51
8. ....	1,300.00 to 1,324.99 .....	52
9. ....	1,325.00 to 1,349.99 .....	53
10. ....	1,350.00 to 1,374.99 .....	54
11. ....	1,375.00 to 1,399.99 .....	55
12. ....	1,400.00 to 1,424.99 .....	56
13. ....	1,425.00 to 1,449.99 .....	57
14. ....	1,450.00 to 1,474.99 .....	58
15. ....	1,475.00 to 1,499.99 .....	59
16. ....	1,500.00 to 1,524.99 .....	60
17. ....	1,525.00 to 1,549.99 .....	61

18.	.....	1,550.00	to	1,574.99	.....	62
19.	.....	1,575.00	to	1,599.99	.....	63
20.	.....	1,600.00	to	1,624.99	.....	64
21.	.....	1,625.00	to	1,649.99	.....	65
22.	.....	1,650.00	to	1,674.99	.....	66
23.	.....	1,675.00	to	1,699.99	.....	67
24.	.....	1,700.00	to	1,724.99	.....	68
25.	.....	1,725.00	to	1,749.99	.....	69
26.	.....	1,750.00	to	1,774.99	.....	70
27.	.....	1,775.00	to	1,799.99	.....	71
28.	.....	1,800.00	to	1,824.99	.....	72
29.	.....	1,825.00	to	1,849.99	.....	73
30.	.....	1,850.00	to	1,874.99	.....	74
31.	.....	1,875.00	to	1,899.99	.....	75
32.	.....	1,900.00	to	1,924.99	.....	76
33.	.....	1,925.00	to	1,949.99	.....	77
34.	.....	1,950.00	to	1,974.99	.....	78
35.	.....	1,975.00	to	1,999.99	.....	79
36.	.....	2,000.00	to	2,024.99	.....	80
37.	.....	2,025.00	to	2,049.99	.....	81
38.	.....	2,050.00	to	2,074.99	.....	82
39.	.....	2,075.00	to	2,099.99	.....	83
40.	.....	2,100.00	to	2,124.99	.....	84
41.	.....	2,125.00	to	2,149.99	.....	85



42.	.....	2,150.00	to	2,174.99	.....	86
43.	.....	2,175.00	to	2,199.99	.....	87
44.	.....	2,200.00	to	2,224.99	.....	88
45.	.....	2,225.00	to	2,249.99	.....	89
46.	.....	2,250.00	to	2,274.99	.....	90
47.	.....	2,275.00	to	2,299.99	.....	91
48.	.....	2,300.00	to	2,324.99	.....	92
49.	.....	2,325.00	to	2,349.99	.....	93
50.	.....	2,350.00	to	2,374.99	.....	94
51.	.....	2,375.00	to	2,399.99	.....	95
52.	.....	2,400.00	to	2,424.99	.....	96
53.	.....	2,425.00	to	2,449.99	.....	97
54.	.....	2,450.00	to	2,474.99	.....	98
55.	.....	2,475.00	to	2,499.99	.....	99
56.	.....	2,500.00	to	2,524.99	.....	100
57.	.....	2,525.00	to	2,549.99	.....	101
58.	.....	2,550.00	to	2,574.99	.....	102
59.	.....	2,575.00	to	2,599.99	.....	103
60.	.....	2,600.00	to	2,624.99	.....	104
61.	.....	2,625.00	to	2,649.99	.....	105
62.	.....	2,650.00	to	2,674.99	.....	106
63.	.....	2,675.00	to	2,699.99	.....	107
64.	.....	2,700.00	to	2,724.99	.....	108
65.	.....	2,725.00	to	2,749.99	.....	109

66.	.....	2,750.00	to	2,774.99	.....	110
67.	.....	2,775.00	to	2,799.99	.....	111
68.	.....	2,800.00	to	2,824.99	.....	112
69.	.....	2,825.00	to	2,849.99	.....	113
70.	.....	2,850.00	to	2,874.99	.....	114
71.	.....	2,875.00	to	2,899.99	.....	115
72.	.....	2,900.00	to	2,924.99	.....	116
73.	.....	2,925.00	to	2,949.99	.....	117
74.	.....	2,950.00	to	2,974.99	.....	118
75.	.....	2,975.00	to	2,999.99	.....	119
76.	.....	3,000.00	to	3,024.99	.....	120
77.	.....	3,025.00	to	3,049.99	.....	121
78.	.....	3,050.00	to	3,074.99	.....	122
79.	.....	3,075.00	to	3,099.99	.....	123
80.	.....	3,100.00	to	3,124.99	.....	124
81.	.....	3,125.00	to	3,149.99	.....	125
82.	.....	3,150.00	to	3,174.99	.....	126
83.	.....	3,175.00	to	3,199.99	.....	127
84.	.....	3,200.00	to	3,224.99	.....	128
85.	.....	3,225.00	to	3,249.99	.....	129
86.	.....	3,250.00	to	3,274.99	.....	130
87.	.....	3,275.00	to	3,299.99	.....	131
88.	.....	3,300.00	to	3,324.99	.....	132
89.	.....	3,325.00	to	3,349.99	.....	133

90. ....	3,350.00	to	3,374.99	.....	134
91. ....	3,375.00	to	3,399.99	.....	135
92. ....	3,400.00	to	3,424.99	.....	136
93. ....	3,425.00	to	3,449.99	.....	137
94. ....	3,450.00	to	3,474.99	.....	138
95. ....	3,475.00	to	3,499.99	.....	139
96. ....	3,500.00	to	3,524.99	.....	140
97. ....	3,525.00	to	3,549.99	.....	141
98. ....	3,550.00	to	3,574.99	.....	142
99. ....	3,575.00	to	3,599.99	.....	143
100. ....	3,600.00	to	3,624.99	.....	144
101. ....	3,625.00	to	3,649.99	.....	145
102. ....	3,650.00	to	3,674.99	.....	146
103. ....	3,675.00	to	3,699.99	.....	147
104. ....	3,700.00	to	3,724.99	.....	148
105. ....	3,725.00	to	3,749.99	.....	149
106. ....	3,750.00	to	3,774.99	.....	150
107. ....	3,775.00	to	3,799.99	.....	151
108. ....	3,800.00	to	3,824.99	.....	152
109. ....	3,825.00	to	3,849.99	.....	153
110. ....	3,850.00	to	3,874.99	.....	154
111. ....	3,875.00	to	3,899.99	.....	155
112. ....	3,900.00	to	3,924.99	.....	156
113. ....	3,925.00	to	3,949.99	.....	157

114. ....	3,950.00	to	3,974.99	.....	158
115. ....	3,975.00	to	3,999.99	.....	159
116. ....	4,000.00	to	4,024.99	.....	160
117. ....	4,025.00	to	4,049.99	.....	161
118. ....	4,050.00	to	4,074.99	.....	162
119. ....	4,075.00	to	4,099.99	.....	163
120. ....	4,100.00	to	4,124.99	.....	164
121. ....	4,125.00	to	4,149.99	.....	165
122. ....	4,150.00	to	4,174.99	.....	166
123. ....	4,175.00	to	4,199.99	.....	167
124. ....	4,200.00	to	4,224.99	.....	168
125. ....	4,225.00	to	4,249.99	.....	169
126. ....	4,250.00	to	4,274.99	.....	170
127. ....	4,275.00	to	4,299.99	.....	171
128. ....	4,300.00	to	4,324.99	.....	172
129. ....	4,325.00	to	4,349.99	.....	173
130. ....	4,350.00	to	4,374.99	.....	174
131. ....	4,375.00	to	4,399.99	.....	175
132. ....	4,400.00	to	4,424.99	.....	176
133. ....	4,425.00	to	4,449.99	.....	177
134. ....	4,450.00	to	4,474.99	.....	178
135. ....	4,475.00	to	4,499.99	.....	179
136. ....	4,500.00	to	4,524.99	.....	180
137. ....	4,525.00	to	4,549.99	.....	181

138. ....	4,550.00	to	4,574.99	.....	182
139. ....	4,575.00	to	4,599.99	.....	183
140. ....	4,600.00	to	4,624.99	.....	184
141. ....	4,625.00	to	4,649.99	.....	185
142. ....	4,650.00	to	4,674.99	.....	186
143. ....	4,675.00	to	4,699.99	.....	187
144. ....	4,700.00	to	4,724.99	.....	188
145. ....	4,725.00	to	4,749.99	.....	189
146. ....	4,750.00	to	4,774.99	.....	190
147. ....	4,775.00	to	4,799.99	.....	191
148. ....	4,800.00	to	4,824.99	.....	192
149. ....	4,825.00	to	4,849.99	.....	193
150. ....	4,850.00	to	4,874.99	.....	194
151. ....	4,875.00	to	4,899.99	.....	195
152. ....	4,900.00	to	4,924.99	.....	196
153. ....	4,925.00	to	4,949.99	.....	197
154. ....	4,950.00	to	4,974.99	.....	198
155. ....	4,975.00	to	4,999.99	.....	199
156. ....	5,000.00	to	5,024.99	.....	200
157. ....	5,025.00	to	5,049.99	.....	201
158. ....	5,050.00	to	5,074.99	.....	202
159. ....	5,075.00	to	5,099.99	.....	203
160. ....	5,100.00	to	5,124.99	.....	204
161. ....	5,125.00	to	5,149.99	.....	205

162. ....	5,150.00	to	5,174.99	.....	206
163. ....	5,175.00	to	5,199.99	.....	207
164. ....	5,200.00	to	5,224.99	.....	208
165. ....	5,225.00	to	5,249.99	.....	209
166. ....	5,250.00	to	5,274.99	.....	210
167. ....	5,275.00	to	5,299.99	.....	211
168. ....	5,300.00	to	5,324.99	.....	212
169. ....	5,325.00	to	5,349.99	.....	213
170. ....	5,350.00	to	5,374.99	.....	214
171. ....	5,375.00	to	5,399.99	.....	215
172. ....	5,400.00	to	5,424.99	.....	216
173. ....	5,425.00	to	5,449.99	.....	217
174. ....	5,450.00	to	5,474.99	.....	218
175. ....	5,475.00	to	5,499.99	.....	219
176. ....	5,500.00	to	5,524.99	.....	220
177. ....	5,525.00	to	5,549.99	.....	221
178. ....	5,550.00	to	5,574.99	.....	222
179. ....	5,575.00	to	5,599.99	.....	223
180. ....	5,600.00	to	5,624.99	.....	224
181. ....	5,625.00	to	5,649.99	.....	225
182. ....	5,650.00	to	5,674.99	.....	226
183. ....	5,675.00	to	5,699.99	.....	227
184. ....	5,700.00	to	5,724.99	.....	228
185. ....	5,725.00	to	5,749.99	.....	229

186. ....	5,750.00	to	5,774.99	.....	230
187. ....	5,775.00	to	5,799.99	.....	231
188. ....	5,800.00	to	5,824.99	.....	232
189. ....	5,825.00	to	5,849.99	.....	233
190. ....	5,850.00	to	5,874.99	.....	234
191. ....	5,875.00	to	5,899.99	.....	235
192. ....	5,900.00	to	5,924.99	.....	236
193. ....	5,925.00	to	5,949.99	.....	237
194. ....	5,950.00	to	5,974.99	.....	238
195. ....	5,975.00	to	5,999.99	.....	239
196. ....	6,000.00	to	6,024.99	.....	240
197. ....	6,025.00	to	6,049.99	.....	241
198. ....	6,050.00	to	6,074.99	.....	242
199. ....	6,075.00	to	6,099.99	.....	243
200. ....	6,100.00	to	6,124.99	.....	244
201. ....	6,125.00	to	6,149.99	.....	245
202. ....	6,150.00	to	6,174.99	.....	246
203. ....	6,175.00	to	6,199.99	.....	247
204. ....	6,200.00	to	6,224.99	.....	248
205. ....	6,225.00	to	6,249.99	.....	249
206. ....	6,250.00	to	6,274.99	.....	250
207. ....	6,275.00	to	6,299.99	.....	251
208. ....	6,300.00	to	6,324.99	.....	252
209. ....	6,325.00	to	6,349.99	.....	253

210. ....	6,350.00	to	6,374.99	.....	254
211. ....	6,375.00	to	6,399.99	.....	255
212. ....	6,400.00	to	6,424.99	.....	256
213. ....	6,425.00	to	6,449.99	.....	257
214. ....	6,450.00	to	6,474.99	.....	258
215. ....	6,475.00	to	6,499.99	.....	259
216. ....	6,500.00	to	6,524.99	.....	260
217. ....	6,525.00	to	6,549.99	.....	261
218. ....	6,550.00	to	6,574.99	.....	262
219. ....	6,575.00	to	6,599.99	.....	263
220. ....	6,600.00	to	6,624.99	.....	264
221. ....	6,625.00	to	6,649.99	.....	265
222. ....	6,650.00	to	6,674.99	.....	266
223. ....	6,675.00	to	6,699.99	.....	267
224. ....	6,700.00	to	6,724.99	.....	268
225. ....	6,725.00	to	6,749.99	.....	269
226. ....	6,750.00	to	6,774.99	.....	270
227. ....	6,775.00	to	6,799.99	.....	271
228. ....	6,800.00	to	6,824.99	.....	272
229. ....	6,825.00	to	6,849.99	.....	273
230. ....	6,850.00	to	6,874.99	.....	274
231. ....	6,875.00	to	6,899.99	.....	275
232. ....	6,900.00	to	6,924.99	.....	276
233. ....	6,925.00	to	6,949.99	.....	277



234. ....	6,950.00	to	6,974.99	.....	278
235. ....	6,975.00	to	6,999.99	.....	279
236. ....	7,000.00	to	7,024.99	.....	280
237. ....	7,025.00	to	7,049.99	.....	281
238. ....	7,050.00	to	7,074.99	.....	282
239. ....	7,075.00	to	7,099.99	.....	283
240. ....	7,100.00	to	7,124.99	.....	284
241. ....	7,125.00	to	7,149.99	.....	285
242. ....	7,150.00	to	7,174.99	.....	286
243. ....	7,175.00	to	7,199.99	.....	287
244. ....	7,200.00	to	7,224.99	.....	288
245. ....	7,225.00	to	7,249.99	.....	289
246. ....	7,250.00	to	7,274.99	.....	290
247. ....	7,275.00	to	7,299.99	.....	291
248. ....	7,300.00	to	7,324.99	.....	292
249. ....	7,325.00	to	7,349.99	.....	293
250. ....	7,350.00	to	7,374.99	.....	294
251. ....	7,375.00	to	7,399.99	.....	295
252. ....	7,400.00	to	7,424.99	.....	296
253. ....	7,425.00	to	7,449.99	.....	297
254. ....	7,450.00	to	7,474.99	.....	298
255. ....	7,475.00	to	7,499.99	.....	299
256. ....	7,500.00	to	7,524.99	.....	300
257. ....	7,525.00	to	7,549.99	.....	301

258. ....	7,550.00	to	7,574.99	.....	302
259. ....	7,575.00	to	7,599.99	.....	303
260. ....	7,600.00	to	7,624.99	.....	304
261. ....	7,625.00	to	7,649.99	.....	305
262. ....	7,650.00	to	7,674.99	.....	306
263. ....	7,675.00	to	7,699.99	.....	307
264. ....	7,700.00	to	7,724.99	.....	308
265. ....	7,725.00	to	7,749.99	.....	309
266. ....	7,750.00	to	7,774.99	.....	310
267. ....	7,775.00	to	7,799.99	.....	311
268. ....	7,800.00	to	7,824.99	.....	312
269. ....	7,825.00		and over	.....	313

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**SECTION 29.** 108.05 (3) (a) of the statutes is amended to read:

108.05 (3) (a) Except as provided in ~~par. (b)~~ par. (b) and (c), if an eligible employee earns wages in a given week, the first \$30 of the wages shall be disregarded and the employee's applicable weekly benefit payment shall be reduced by 67% of the remaining amount, except that no such employee is eligible for benefits if the employee's benefit payment would be less than \$5 for any week. For purposes of this paragraph, "wages" includes any salary reduction amounts earned that are not wages and that are deducted from the salary of a claimant by an employer pursuant to a salary reduction agreement under a cafeteria plan, within the meaning of 26 USC 125, and any amount that a claimant would have earned in available work which is treated as wages under s. 108.04 (1) (a), but excludes any amount that a claimant earns for services performed as a volunteer fire fighter or volunteer

emergency medical technician. In applying this paragraph, the department shall disregard discrepancies of less than \$2 between wages reported by employees and employers.

**SECTION 30.** 108.05 (3) (c) of the statutes is created to read:

108.05 (3) (c) A claimant is ineligible to receive any benefits for a week in which the claimant works a total of 40 or more hours in employment with one or more employers.

**SECTION 31.** 108.06 (2) (cm) of the statutes is created to read:

108.06 (2) (cm) If an employee qualifies to receive benefits using the base period described in s. 108.02 (4) (b), the wages used to compute the employee's benefit entitlement are not available for use in any subsequent benefit computation for the same employee, except under s. 108.141 or 108.142.

**SECTION 32.** 108.09 (2) (bm) of the statutes is amended to read:

108.09 (2) (bm) In determining whether an individual meets the conditions specified in s. 108.02 (12) (b) 2. a. or b. or (bm) 3. or 4., the department shall not consider documents granting operating authority or licenses, or any state or federal laws or federal regulations granting such authority or licenses.

**SECTION 33.** 108.09 (4s) of the statutes is amended to read:

108.09 (4s) EMPLOYEE STATUS. In determining whether an individual meets the conditions specified in s. 108.02 (12) (b) 2. a. or b. or (bm) 3. or 4., the appeal tribunal shall not take administrative notice of or admit into evidence documents granting operating authority or licenses, or any state or federal laws or federal regulations granting such authority or licenses.

**SECTION 34.** 108.095 of the statutes is created to read:

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**108.095 False statements or representations to obtain benefits payable to other persons.** (1) The procedures under this section apply to any issue arising under this chapter concerning any alleged false statement or representation of a person to obtain benefits that are payable to another person, and are in addition to any determination, decision or other procedure provided under s. 108.09. The procedures under this section apply whether or not a penalty for an offense is provided under s. 108.24.

(2) The department shall investigate whether any person has obtained benefits that were payable to another person by means of any false statement or representation, and may issue an initial determination concerning its findings. The department shall mail a copy of the determination to the last-known address of each party affected thereby. Unless designated by a determination under this section, an employing unit is not a party to the determination. The department may set aside or amend the determination at any time prior to a hearing concerning the determination under sub. (5) on the basis of subsequent information or to correct a mistake, including an error of law.

(3) Any party to a determination may appeal that determination by requesting a hearing concerning any matter in that determination if the request is received by the department or postmarked within 14 days after the mailing.

(4) Upon issuance of a determination, the department is a party to the determination.

(5) Any hearing shall be held before an appeal tribunal appointed under s. 108.09 (3). Section 108.09 (4) and (5) applies to the proceeding before the tribunal.

(6) Any party may petition the commission for review of the decision of the appeal tribunal under s. 108.09 (6). The commission's authority to take action

concerning any issue or proceeding under this section is the same as that provided in s. 108.09 (6).

(7) Any party may commence an action for judicial review of a decision of the commission under this section, after exhausting the remedies provided under this section, by commencing the action within 30 days after the decision of the commission is mailed to the department and the last-known address of each other party. The scope and manner of judicial review is the same as that provided in s. 108.09 (7).

(8) The mailing of determinations and decisions under this section shall be first class, and may include the use of services performed by the postal service requiring the payment of extra fees.

(9) Section 108.09 (8) (b) applies to representation and fees for representation of parties in proceedings under this section.

**SECTION 35.** 108.15 (3) (e) of the statutes is amended to read:

108.15 (3) (e) Each time a government unit elects or reelects contribution financing its initial contribution rate shall be 2.7% on its payroll for each of the first 3 calendar years in which such election or reelection is in effect, ~~plus any contributions payable under s. 108.18 (2) (b).~~ If a government unit terminates its election of contribution financing it may not reelect contribution financing within a period of 3 calendar years thereafter.

**SECTION 36.** 108.151 (1) of the statutes is amended to read:

108.151 (1) EMPLOYER'S CONTRIBUTION RATE. Each nonprofit organization which is or becomes an employer subject to this chapter shall be subject to all its provisions except as it may elect reimbursement financing in accordance with sub. (2). If such an approved election is terminated, the employer's contribution rate shall be 2.7%

on its payroll for each of the next 3 calendar years, ~~plus any contributions payable under s. 108.18 (2) (b).~~

**SECTION 37.** 108.16 (6m) (e) of the statutes is amended to read:

108.16 (6m) (e) Any overpayment of benefits that is written off under sub. (3), unless it is chargeable to an employer's account under s. 108.04 (13) (c) ~~or (d).~~

**SECTION 38.** 108.161 (3e) of the statutes is created to read:

108.161 (3e) Notwithstanding sub. (3), any moneys <sup>allocated</sup> ~~provided~~ under section 903 of the federal Social Security Act for federal fiscal years 2000, 2001 and 2002 shall be used solely for unemployment insurance administration.

**SECTION 39.** 108.18 (2) (b) of the statutes is repealed.

**SECTION 40.** 108.18 (2) (c) of the statutes is amended to read:

108.18 (2) (c) An employer engaged in the construction of roads, bridges, highways, sewers, water mains, utilities, public buildings, factories, housing, or similar construction projects shall pay contributions for each of the first 3 calendar years at the average rate for construction industry employers as determined by the department on each computation date, rounded up to the next highest rate, ~~except as additional contributions apply under par. (b).~~ This rate may in no case be more than the maximum rate specified in the schedule in effect for the year of the computation under sub. (4).

**SECTION 41.** 108.18 (9) (figure) Schedule C, line 1 of the statutes is amended to read:

108.18 (9) (figure) Schedule C

1 .....	0.00 .....	0.02 <u>0.00</u> .....	0.05
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**SECTION 42.** 108.18 (9) (figure) Schedule D, line 1 of the statutes is amended to read:

108.18 (9) (figure) Schedule D

1 .....	0.00 .....	<del>0.02</del> <u>0.00</u> .....	0.05
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**SECTION 43.** 108.19 (1e) (a) of the statutes is amended to read:

108.19 (1e) (a) Except as provided in par. (b), each employer, other than an employer which finances benefits under s. 108.15 or 108.151 shall, in addition to other contributions payable under s. 108.18 and this section, pay an assessment to the administrative account for each year prior to the year ~~2000~~ 2002 equal to the lesser of 0.01% of its payroll for that year or the solvency contribution that would otherwise be payable by the employer under s. 108.18 (9) for that year.

**SECTION 44.** 108.20 (3) of the statutes is amended to read:

108.20 (3) There shall be included in the moneys governed by sub. (2m) any amounts collected by the department under ss. 108.04 (11) (c) and 108.22 (1) (a) and (ac) as tardy filing fees, forfeitures ~~or~~, interest on delinquent payments or other penalties and any excess moneys collected under s. 108.19 (1m).

**SECTION 45.** 108.20 (5) to (9) of the statutes are repealed.

**SECTION 46.** 108.205 (2) of the statutes is amended to read:

108.205 (2) All employers of ~~250~~ 100 or more employes, as determined under s. 108.22 (1) (ae), shall file the quarterly report under sub. (1) using ~~a medium electronic media~~ approved by the department for such employers. The department shall prescribe one or more electronic media that employers may use for compliance with this subsection. An employer that becomes subject to the reporting requirement under this subsection shall continue to file its quarterly report under this subsection

for the next 4 quarters beginning after the quarter in which the employer becomes subject to the reporting requirement and in each subsequent quarter through the 4th quarter beginning after the quarter in which the employer has less than 100 employees.

**SECTION 47.** 108.22 (1) (a) 1. of the statutes is amended to read:

108.22 (1) (a) 1. For 1 to 100 employees, ~~\$15~~ \$25.

**SECTION 48.** 108.22 (1) (a) 2. to 4. of the statutes are repealed.

**SECTION 49.** 108.22 (1) (a) 5. of the statutes is renumbered 108.22 (1) (a) 2. and amended to read:

108.22 (1) (a) 2. For more than ~~400~~ 100 employees, ~~\$115~~ \$75.

**SECTION 50.** 108.22 (1) (ac) of the statutes is created to read:

108.22 (1) (ac) In addition to any fee assessed under par. (a), an employer that is subject to the reporting requirement under s. 108.205 (2) and that fails to file its report in the format prescribed under that subsection may be assessed a penalty of \$10 for each employee whose information is not reported in the format prescribed under s. 108.205 (2).

**SECTION 51.** 108.22 (1) (b) of the statutes is amended to read:

108.22 (1) (b) If the due date of a report or payment under s. ~~108.15 (5) (b), 108.151 (5) (f), 108.16 (8), 108.17 (2) or 108.205~~ would otherwise be a Saturday, Sunday or legal holiday under state or federal law, the due date is the next following day which is not a Saturday, Sunday or legal holiday under state or federal law.

**SECTION 52.** 108.22 (1) (c) of the statutes is amended to read:

108.22 (1) (c) Any report or payment, except a payment required by s. 108.15 (5) (b) or 108.151 (5) (f), to which this subsection applies is delinquent, within the meaning of par. (a), unless it is received by the department, in the form prescribed



by law or rule of the department, no later than its due date as determined under par. (b), or if mailed is either postmarked no later than that due date or is received by the department no later than 3 days after that due date. Any payment required by s. 108.15 (5) (b) or 108.151 (5) (f) is delinquent, within the meaning of par. (a), unless it is received by the department, in the form prescribed by law, no later than its due date the last day of the month in which it is due.

**SECTION 53.** 108.22 (8) (c) 1. a. ~~and b.~~ of the statutes ~~are~~ amended to read:

108.22 (8) (c) 1. a. The ~~overpayment~~ <sup>restoration</sup> ~~erroneous payment~~ <sup>gain</sup> was the result of a departmental error, ~~whether or not an~~ and was not the fault of any employer is also at fault under s. 108.04 (13) (f); and

b. The ~~overpayment~~ <sup>restoration</sup> ~~erroneous payment~~ did not result from the fault of an employee as provided in s. 108.04 (13) (f), or because of a claimant's false statement or misrepresentation.

#### **SECTION 54. Nonstatutory provisions.**

(1) DEFINITIONS. In this SECTION:

(a) "Department" means the department of workforce development.

(b) "Employer" has the meaning given in section 108.02 (13) of the statutes.

(2) NOTICE OF LEVY FOR YEAR 2000. Notwithstanding section 108.19 (1e) (b) of the statutes, if this subsection takes effect after November 30, 1999, the department may, no later than the 30th day commencing after the effective date of this subsection, publish a notice under that paragraph of an assessment to be levied against employers under section 108.19 (1e) of the statutes, as created by this act, in the year 2000.

#### **SECTION 55. Appropriation changes.**

(1) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (1) (nb) of the statutes, as affected by the acts of 1999, the dollar amount is increased by \$-0- for fiscal year 1999-00 and the dollar amount is increased by \$-0- for fiscal year 2000-01 to increase funding for the purpose for which the appropriation is made.

**SECTION 56. Initial applicability.**

(1) The treatment of sections 108.02 (4) and 108.06 (2) (cm) of the statutes first applies to benefit years beginning on April 2, 2000.

(2) The treatment of sections 108.02 (12) (a), (b) (intro.) and (bm) and 108.09 (2) (bm) and (4s) of the statutes first applies with respect to determinations issued under section 108.10 of the statutes on the effective date of this subsection or, in relation to determinations that are appealed, to decisions issued under section 108.10 of the statutes on April 2, 2000.

(3) The treatment of section 108.04 (1) (b) 2. and (c) of the statutes first applies with respect to leaves of absence commencing on the effective date of this subsection.

(4) The treatment of section 108.04 (2) (a) 1., 2. and 3. of the statutes first applies with respect to weeks of unemployment beginning on the effective date of this subsection.

(5) The treatment of section 108.04 (7) (b) and (i) of the statutes first applies with respect to terminations commencing on the effective date of this subsection.

(6) The treatment of section 108.04 (7) (cm) of the statutes first applies with respect to ~~determinations issued under section 108.09 of the statutes on the effective date of this subsection or, in relation to determinations that are appealed, to decisions issued under section 108.09 of the statutes on April 2, 2000.~~ <sup>terminations commencing on the effective date of this subsection.</sup>

(7) The treatment of section 108.04 (7) (h) and (s) of the statutes first applies with respect to terminations commencing on the effective date of this subsection.

(8) The treatment of sections 108.04 (11) (cm) and 108.095 of the statutes first applies with respect to false statements and representations made on the effective date of this subsection.

(9) The treatment of section 108.05 (3) (a) and (c) of the statutes first applies with respect to weeks of unemployment beginning on April 2, 2000.

(10) The treatment of section 108.22 (1) (b) and (c) of the statutes first applies to reimbursements billed in the month following the month that includes the effective date of this subsection.

(11) The treatment of section 108.18 (9) (figure) Schedule C and Schedule D of the statutes first applies with respect to payrolls beginning on January 1, 2001.

(12) The treatment of sections 108.20 (3), 108.205 (2) and 108.22 (1) (a) 1. to 5. and (ac) of the statutes first applies with respect to reports due for the calendar quarter ending on March 31, 2001.

**SECTION 57. Effective dates.** This act takes effect on the first Sunday after publication, except as follows:

(1) The treatment of sections 108.15 (3) (e), 108.151 (1) and 108.18 (2) (b) and (c) of the statutes takes effect on January 1, 2000.

(END)

**1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3247/P6ins  
JTK.....

INSERT 17X

SECTION <sup>#</sup>~~1~~. 108.04 (13) (d) 3. b. <sup>✓</sup> of the statutes is created to read:

108.04 (13) (d) 3. b. If recovery of the overpayment is not permitted under s. 108.22 (8) (c), restore the proper amount to the employer's account and charge that amount to the fund's balancing account.

INS 43X

Section #. 108.09 (9) (c) of the statutes is amended to read:

108.09 (9) (c) If any determination or decision awarding benefits is finally amended, modified or reversed, any benefits paid to the claimant which would not have been paid under such final determination or decision shall be deemed an ~~erroneous payment~~. Sections 108.04 (13) (c) and (d), 108.16 (3) and 108.22 (8) ~~shall~~ apply to the charging and recovery of ~~such erroneous payment~~.

~~History: 1971 c. 147; 1973 c. 247; 1975 c. 343; 1977 c. 29, 418; 1979 c. 52, 221; 1981 c. 36; 1983 a. 17, 20; 1987 a. 38 ss. 81 to 86, 136; 1989 a. 56 s. 259; 1989 a. 77; 1991 a. 89, 269; 1993 a. 373; 1995 a. 118; 1997 a. 35, 39.~~

the  
overpayment

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3247/P6dn

JTK.../....

WLJ

1. In proposed s. 108.02 (12) (bm) (intro.), the period ending on the last day of the <sup>four</sup> ~~second~~ year beginning after the effective date would give us a <sup>four</sup> ~~two~~-year period, which I understand is consistent with your intent. I don't know how many people are going to be reading this, but if you think it's less confusing, we could say "the <sup>third</sup> ~~two~~-year period beginning on the effective date of this subsection [revisor inserts date]". This language does not refer to an ending date, which is likely to be the key information one wants, but it can be easily deduced. STET

2. Concerning the analysis to proposed s. 108.04 (7) (cm),<sup>1</sup> relating to voluntary terminations resulting from shift transfers, the text now reads "...the employee's most recent period of employment". The analysis therefore appears to match the text. I did raise an issue concerning whether you wanted to change the text since the preceding line of the text refers to "work", which includes both covered and uncovered work.

3. Your proposed changes to s. 108.04 (7) (s) 2,<sup>1</sup> relating to evidence of domestic abuse, etc., struck me as taking a few steps backwards. In comparing the two versions of this text, I was unable to perceive a significant substantive difference. The proposed changes seem to introduce some syntactic awkwardness and redundancy and also to fuzz the issue of where the evidence is coming from. I assume the department would still act on the basis of records or statements. I have deferred treatment of this item until we can discuss what's going on substantively here.

4. Currently, the statutes are inconsistent in the usage of "erroneous payment" and "overpayment". In LRB-3247/P5, I standardized most references to refer to "erroneous payment" since ss. 108.04 (13) (d), (e) and (f) and 108.22 (8) (a) and (c) <sup>1</sup> (intro.), stats., refer to benefits that are erroneously paid. This draft reverses these changes and makes other changes to standardize references to refer to "overpayments", including the references in s. 108.09 (9) (c),<sup>1</sup> stats.

5. This draft also revises the initial applicability for proposed s. 108.04 (7) (cm)<sup>1</sup> to match the initial applicability for proposed s. 108.04 (7) (b), (h), (i) and (s), which I assume is in accord with your intent.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3247/P6dn  
JTK:wlj:km

September 23, 1999

1. In proposed s. 108.02 (12) (bm) (intro.), the period ending on the last day of the third year beginning after the effective date would give us a four-year period, which I understand is consistent with your intent. I don't know how many people are going to be reading this, but if you think it's less confusing, we could say "the 4-year period beginning on the effective date of this subsection .... [revisor inserts date]". This language does not refer to an ending date, which is likely to be the key information one wants, but it can be easily deduced.

2. Concerning the analysis to proposed s. 108.04 (7) (cm), relating to voluntary terminations resulting from shift transfers, the text now reads "...the employee's most recent period of employment". The analysis therefore appears to match the text. I did raise an issue concerning whether you wanted to change the text since the preceding line of the text refers to "work", which includes both covered and uncovered work.

3. Your proposed changes to s. 108.04 (7) (s) 2., relating to evidence of domestic abuse, etc., struck me as taking a few steps backwards. In comparing the two versions of this text, I was unable to perceive a significant substantive difference. The proposed changes seem to introduce some syntactic awkwardness and redundancy and also to fuzz the issue of where the evidence is coming from. I assume the department would still act on the basis of records or statements. I have deferred treatment of this item until we can discuss what's going on substantively here.

4. Currently, the statutes are inconsistent in the usage of "erroncous payment" and "overpayment". In LRB-3247/P5, I standardized most references to refer to "erroneous payment" since ss. 108.04 (13) (d), (e) and (f) and 108.22 (8) (a) and (c) 1. (intro.), stats. refer to benefits that are erroneously paid. This draft reverses these changes and makes other changes to standardize references to refer to "overpayments", including the references in s. 108.09 (9) (c), stats.

5. This draft also revises the initial applicability for proposed s. 108.04 (7) (cm) to match the initial applicability for proposed s. 108.04 (7) (b), (h), (i) and (s), which I assume is in accord with your intent.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Friday, September 24, 1999 10:00 AM  
**To:** Kho, Michelle  
**Cc:** Kuesel, Jeffery  
**Subject:** 99-3247/P6 (per JTK request)



99-3247/P6



99-3247/P6dn

*Mike Barman*

Mike Barman - Program Asst. (PH. 608-266-3561)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)

State of Wisconsin  
Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703



CORRESPONDENCE/MEMORANDUM

State of Wisconsin  
Department of Workforce Development  
**Bureau of Legal Affairs**  
(608) 267-1406

DATE: 9/23/99  
TO: Jeff Kuesel  
FROM: Michelle Kho  
RE: Bill Draft Revisions – No. 3

Jeff – we expect to send at least one more (shorter) memo with revisions by the end of the week. Section and page references in this memo refer to the P5 draft. With this memo, we have addressed all your drafter's notes to date (See no. 7 in this memo). Thanks.

✓ (1) Senator George's Bill

We wish to add Senator George's bill (amending 108.16(6)(e)) in its entirety (including retroactivity) to our UI Bill, with one change:

line 5 (of Senator George's bill draft): "The amount of any benefit check duly issued and delivered or mailed to an employee, if such check has not been presented for payment within one year ~~6 years~~ after its date of issue;."

The above change will allow us to account for such checks after one year but we will still be able to provide a substitute check for up to six years after the date of issue.

✓ (2) Change in bill analysis and bill relating to "Partial unemployment". Jeff -- we discussed on the phone last week whether the bill and analysis which used the phrase "employment covered by unemployment insurance law" should be changed. I have since found out that we do want to make reference to "work", rather than "employment" (i.e., which is covered by UI law). So please make the following changes:

Bill Analysis – p. 2, Second paragraph, should read:

This bill provides, in addition, that a claimant is ineligible to receive any benefits for a week in which the claimant works a total of 40 or more hours. ~~In which employment covered by the unemployment insurance law with one or more employers covered by that law.~~

Also, the relevant section 108.05(3)(c) should read:

(SECTION 30:)

A claimant is ineligible to receive any benefits for a week in which the claimant works a total of forty or more hours for one or more employing units, in employment with one or more employers.

- ✓ (3) Under "Voluntary termination of employment" bill analysis – p. 4-- in the fourth paragraph, end of sentence:

... under the same conditions that applied to the employee's most recent work ~~in employment covered under the unemployment insurance law.~~

- ✓ (4) Alternate base period – initial applicability. Section 56, p. 50 – Change the date:

(1) The treatment of sections 108.02(4) and 108.06(2) (cm) of the statutes first applies to benefit years beginning on ~~April 2, 2000~~ July 2, 2000."

- ✓ (5) SECTION 52 108.22(1)(ac), p. 48 – change "the format" to "a format" in the two places it appears (There are at least two prescribed formats, so "a format" is correct)

- ✓ (6) Amend SECTION 56 (5), l. 19-20, as follows:

(5) The treatment of section 108.04(7) (b), ~~(cm)~~ and (i) of the statutes first applies with respect to terminations commencing on the effective date of this subsection.

Delete SECTION 56 (6), l. 21-24.

- ✓ (7) Drafter's note --P4dn dated 9/13/99

1. You are correct, we want these cross-referenced
2. Concerning proposed 108.04(7)(cm) – p. 15, section 20, replace at the end of the paragraph:

... same conditions that applied to the employee's most recent work period of employment.

- ✓ Drafter's note –P3dn dated 9/1/99

The remaining issue from this drafter's note is concerning #2, in which you asked to review the occurrences of "base period" in Ch. 108. Three people reviewed this and there appears to be no problem under the revised definition. Also, we do not need additional authority to obtain wage info. "Lag period" is not defined by statute or rule – it is used internally only. Finally, your assumption about supplemental benefits is correct.

✓ (8) SECTION 55 – Appropriation Changes – pp. 49-50 --**Remove this entire section** (relating to **Reed Act**).

✓ (9) Notice of Levy – SECTION 54 in P5 draft. *Jeff – We need to add to the notice of levy as it currently appears in the bill draft by adding what should happen if the subsection takes effect before November 30, 1999.* The current section only talks about if the subsection takes effect after November 30 – our concern is that the bill might get signed November 27 or some other date before November 30. Change the bill draft:

(2) NOTICE OF LEVY FOR YEAR 2000. Notwithstanding section 108.19 (1e) (b) of the statutes, if this subsection takes effect on or after November 1 30, 1999, the department may, no later than the 30th day commencing after the effective date of this subsection, publish a notice under that paragraph of an assessment to be levied against employers under section 108.19 (1e) of the statutes, as created by this act, in the year 2000.

✓ (10) Employee definition – initial applicability

SECTION 56, p. 50. Initial applicability.

(2) The treatment of sections 108.02(12)(a), (b) (intro.) and (bm) and 108.09 (2) (bm) and (4s) of the statutes first applies with respect to services performed on or after January 1, 2000. ~~determinations issued . . . to decisions issued under section 108.10 of the statutes on April 2, 2000.~~

✓ (11) SECTION 9. 108.02(12)(bm) – change this section so that it has parallel language to 108.02(12)(b):

During the period beginning on the effective date of this paragraph . . . par. (a) does not apply to an individual performing services for an employing unit other than a government unit or nonprofit organization in a capacity other than a logger or trucker, contract operator with a carrier or as a skidding operator or piece-cutter with a forest products manufacturer or a logging contractor, if the employing unit satisfies . . .

✓ (12) Initial applicability for tax rate reduction:

(SECTION 56:)

(11) The treatment of section 108.18 (9) (figure) Schedule C and Schedule D of the statutes first applies with respect to payrolls beginning on January 1, ~~2001~~ 2000.

(13) Initial applicability for electronic filing:

(SECTION 57:)

(12) The treatment of sections 108.20 (3), 108.205 (2) and 108.22 (1) (a) 1. to 5. and (ac) of the statutes first applies with respect to reports due for the calendar quarter ending on March 31, ~~2001~~ 2000.

- ✓ (14) Add "108.04(11)(cm)" to the following sections in order to put impostor penalties into I&P.

- SECTION 44. (p. 47) 108.20(3) of the statutes is amended to read:

108.20(3) There shall be included in the moneys governed by sub. (2m) any amounts collected by the department under ss. 108.04(11)(c) and (cm), and 108.22(1)(a) . . .

- SECTION 1. Sec. 20.445(1)(gf) (p. 8):

. . . From the moneys received as interest and penalties collected under ss. 108.04(11)(c) and (cm) and (13)(c) and 108.22, the amounts in the schedule for the administration of . . .

- ✓ (15) Change the wording in SECTION 16, p. 13, end of paragraph, last sentence:

~~A reasonable search for suitable work~~ The work search under this subdivision must include 2 actions that constitute a reasonable search as prescribed by the department by rule.

- ✓ (16) Search for work, bill analysis, p. 3, first line - remove language that is incorrect under our policies:

Currently, in order to receive benefits for a week ~~in which a claimant earns no wages~~, a claimant must seek . . .

- ✓ (17) Use of federal employment security moneys – bill analysis, pp. 7-8 – reword last sentence to be more precise and so it cannot be misread to imply that the money can only be used during these federal fiscal years:

. . . This bill provides, in accordance with federal law, that these moneys ~~may only be used for the purpose of unemployment insurance administration in federal fiscal years 2000, 2001 and 2002.~~ allocated for federal fiscal years 2000, 2001 and 2002 shall be used solely for unemployment insurance administration.

- ✓ (18) Amend 108.04(11)(cm) ("impostor" section) and 108.04(11)(d):

(SECTION 24, p. 16:)

Any person who makes a false statement or representation in order to obtain benefits ~~that are payable to~~ in the name of another person may, by a determination or decision issued under s. 108.095, be required to repay the amount of the benefits obtained and be ~~required to forfeit~~ assessed an administrative penalty in an additional amount ~~equal to~~ up to 50% of the amount of the benefits obtained.

We want to use the term “administrative penalty” or “penalty” instead of “forfeiture” because that term has a specific meaning in the UI program – a reference to forfeiture means that future benefits that a person normally would be eligible for are forfeited (as opposed to a penalty or fine that we would then collect from the person). Also, we think that “in the name of” will close a possible loophole – “payable to another person” could be read to presume the eligibility of the person receiving the check, which may not be the case in every situation.

We also want to amend 108.04(11)(d) – not currently in bill draft P5:

Notwithstanding Chapter 778 and in addition to other remedies, the department may, by civil action, recover any benefits obtained by means of any false statement or representation or administrative penalties imposed under sub. (11).

- ✓ (19) Section (7)(cm) [quit because of childcare problems]:

Draft P5, p. 15:

**SECTION 20.** Section 108.04 (7) (cm) of the statutes is created to read:

108.04 (7) (cm) Paragraph (a) does not apply if the department determines that the employee terminated his or her work as the result of a requirement by his or her employing unit to transfer his or her working hours to a shift occurring at a time that would preclude the employee from providing child care for his or her minor children, provided that the employee remains able to work and available for work under the same conditions that applied to the employee’s most recent work. Any employee who remains able to work and available for work under the same conditions that applied to the employee’s most recent work under this paragraph shall be deemed able to work and available for work with respect to those conditions for purposes of par. (2)(a) and (8)(e) of this subsection.

- (20) Section 10819(1e)(a) [special assessment extension]:

Draft P5, p. 47-48:

**SECTION 43.** 108.19(1e)(a) and (d) of the statutes is are amended to read:

108.19 (1e) (a) Except as provided in par. (b), each employer, other than an employer which finances benefits under s. 108.15 or 108.151 shall, in addition to other contributions payable under s. 108.18 and this section, pay an assessment to the administrative account for each year prior to the year ~~2000-2002~~ equal to the lesser of 1.12% of its payroll for that year or the solvency contribution that would otherwise be payable by the employer under s. 108.19 (9) for that year.

[Add to Bill Draft] :

(d) The department may expend the moneys received from assessments levied under ~~this subsection~~ 108.19(1)(e) for the ~~design or development of~~ renovation and modernization of the core unemployment insurance information technology tax and accounting system including the reengineering of all automated processes performed by the current systems and manual business functions currently handled by unemployment insurance division staff.

✓ (21) Section 108.20(2m) limitation of I&P money to UI purposes:

[Add to Bill Draft] :

**Section \_\_** 108.20(2m) of the statutes is amended to read:

108.20 (2m) From the moneys not appropriated under s. 20.445 (1) (ge), (gf) and (gg), which are received by the administrative account as interest and penalties under this chapter, the department shall pay the benefits chargeable to the administrative account under s. 108.07 (5) and the interest payable to employers under s. 108.17 (3m) and may pay interest due on advances to the unemployment reserve fund from the federal unemployment account under title XII of the social security act, 42 USC 1321 to 1324, may make payments to satisfy a federal audit exception concerning a payment from the fund or any federal aid disallowance involving the unemployment insurance program, or may make payments to the fund if such action is necessary to obtain a lower interest rate or deferral of interest payments on advances from the federal unemployment account under title XII of the social security act, except that any interest earned pending disbursement of federal employment security grants under s. 20.445 (1) (n) shall be credited to the general fund. No moneys from interest and penalties shall be spent for other than unemployment insurance purposes. Any moneys reverting to the administrative account

from the appropriations under s. 20.445 (1) (ge) and (gf) shall be utilized as provided in this subsection.

- ✓ (22) Amend bill analysis and bill draft section for the electronic filing proposal:  
The current language of the bill is a little confusing and did not do what tax wanted, i.e., to provide that once an employer reaches 100 employees, the employer will have four quarters to comply with the electronic filing requirement.

Quarterly wage report format -- bill analysis, p. 6:

Currently, each employer that is subject to the unemployment insurance law must file with DWD a quarterly report of the wages paid to each of its employees and certain other information. Employers of 250 or more employees must file the report using ~~a medium~~ electronic media approved by DWD. If an employer is delinquent in filing a report, the employer is subject to a tardy filing fee of \$15 to \$115, depending on the number of its employees. This bill applies this reporting requirement to all employers of 100 or more employees. The bill requires DWD to approve one or more electronic media for use in complying with the requirement, and requires each employer to report using such media. The bill also applies the electronic reporting requirement for not less than four complete quarters after the first quarter an employer becomes subject to the requirement is required to report using electronic media. This bill also gives employers who are already reporting 100 or more employees one year before they have to comply with the requirement. Employers who are not currently reporting at least 100 employees but will in the future also have one year from the quarter they first report 100 employees before they are required to report by electronic media. In addition, the bill changes the amounts of the tardy filing fees from not less than \$25 to not more than \$75, and permits DWD to assess a penalty against any employer that is subject to an electronic reporting requirement and that fails to report using electronic media in the amount of \$10 for each employee whose information is not reported by approved electronic media.

Amend SECTION 46. 108.205 (2)

108.205 (2) All employers of ~~250~~ 100 or more employees, as determined under s. 108.22 (1) (ae), shall file the quarterly report under sub. (1) using ~~a medium~~ electronic media approved by the department for such employers. The department shall prescribe one or more electronic media that employers may use for compliance with this subsection. Employers who report 100 or more employees for first quarter of the year 2000 shall be required to report by electronic media beginning with first quarter of the year 2001. Any employer who first reports 100 or more employees subsequent to the first quarter of the year 2000 shall be required to report

by electronic media beginning with the fourth quarter after the quarter in which the employer first reported 100 or more employees. Once aAn employer that becomes subject to the reporting requirement under this subsection, the employer shall continue to file its quarterly reports under this subsection for the next 4 quarters, regardless of the number of employees reported. beginning after the quarter in which the employer becomes subject to the reporting requirement and in each subsequent quarter through the 4th quarter beginning after the quarter in which the employer has less than 100 employees.

- ✓ (23) Jeff—Contrary to what we told you before, we decided that we want to create a separate appropriation for the special Reed Act funds. Please add it to the draft.

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